

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JENNIFER OSSOLA, JOETTA
CALLENTINE and SCOTT DOLEMBA,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

AMERICAN EXPRESS COMPANY,
AMERICAN EXPRESS CENTURION
BANK, WEST ASSET MANAGEMENT,
INC., and ALORICA INC.,

Defendants.

Case No. 1:13-cv-04836

CLASS ACTION

**DECLARATION OF ERIC ROBIN
RE: NOTICE PROCEDURES**

I, **ERIC ROBIN**, declare:

1. I am a Senior Project Manager at Kurtzman Carson Consultants LLC ("KCC"). I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. KCC was retained by the parties to serve as the Claims Administrator to, among other tasks, mail the Notice of Class Action Lawsuit and Proposed Settlement (the "Postcard Notice"), e-mail the Notice of Class Action Lawsuit and Proposed Settlement (the "E-mail Notice"), receive and process Claim Forms, respond to Class Member inquiries; to establish and maintain a settlement website and perform other duties as specified in the Order (1) Conditionally Certifying Telemarketing Settlement

1 Class, (2) Preliminarily Approving Class Action Telemarketing Settlement, (3) Approving Notice Plan
2 and (4) Setting Final Approval Hearing for Telemarketing Settlement (the “Preliminary Approval
3 Order”) preliminarily approved by this Court on July 6, 2016.

4 3. **Mailed Notice**. On July 11, 2016, the Defendant provided KCC with a list of 795,410
5 persons identified as the Class Member List, i.e. all persons nationwide within the United States who, on
6 or after July 3, 2009 through March 15, 2016, received a telemarketing call from Alorica Inc. (or its
7 agents or affiliates) on behalf of American Express, in connection with the marketing of American
8 Express small business charge and/or credit cards to potential customers, to a cellular telephone number
9 through the use of an automatic telephone dialing system, predictive dialer and/or an artificial or
10 prerecorded voice. KCC entered the Class Member List information into its proprietary database and
11 prepared a data file for the initial mailing. Prior to mailing, KCC caused the addresses in the Class
12 Member List to be updated using the National Change of Address database (“NCOA”) maintained by
13 the U.S. Postal Service. A total of 46,182 addresses were found and updated. Within the 795,410
14 records provided to KCC, KCC identified an additional 153,166 records containing different names and
15 addresses. These records were added to the Class List. KCC identified 107,009 duplicative records. Per
16 Counsel’s request, these duplicative records were removed from the Class List. In addition, KCC
17 identified 66 “test” or “dummy” records. Per Counsel’s request, these “test” and “dummy” records
18 were removed from the Class List. In addition, there were 15,224 records that did not have a mailing
19 address. As a result, these 15,224 records were not included in the mailing. KCC also identified 164
20 duplicative e-mail addresses. These duplicative e-mail addresses were not included in the e-mailing.

21 4. On or around July 11, 2016, KCC facilitated reverse directory searches, through a vendor, to
22 find name and address information for any of the 51,306 phone numbers who did not have an associated
23 name or address. Of the 51,306 phone numbers searched, KCC received 30,973 names and addresses. KCC
24 updated the Class Member List with these 30,973 names and addresses.

25 5. On August 3, 2016, KCC mailed a Postcard Notice to each of the persons on the Class
26 Member List who did not have an e-mail address. A sample of the Postcard Notice is attached hereto as
27 Exhibit A.

28 6. On August 3, 2016, KCC e-mailed an E-Mail Notice to each of the persons on the Class

1 Member List who had an e-mail address. A sample of the E-Mail Notice is attached hereto as Exhibit B.

2 7. As of November 15, 2016, KCC has received a total of 5,262 Postcard Notices returned
3 by the U.S. Postal Service with forwarding addresses. KCC caused the Class Member list to be updated
4 with the new addresses and a Postcard Notice to be re-mailed to the updated addresses. In addition,
5 171,336 Postcard Notices have been returned by the U.S. Postal Service without forwarding addresses.

6 8. **Toll-Free Telephone Number.** On or before August 3, 2016, KCC established a toll-free
7 telephone number dedicated to answering telephone inquiries from Class Members. As of November 15,
8 2016, KCC has received a total of 670 calls.

9 9. **Website.** On or before August 3, 2016, KCC also established a website
10 (www.TelemarketingTCPASettlement.com) dedicated to this settlement to provide additional
11 information to the Class Members and to answer frequently asked questions. Visitors of the website can
12 download a Long Form Notice, Claim Form and a variety of other court documents. Visitors can also
13 submit claims online. The web address was set forth in the Notice and Claim Form. As of November
14 15, 2016, the website has received 55,611 visits.

15 10. **Requests for Exclusion.** The deadline for Class Members to request to be excluded from
16 the class was a postmarked deadline of October 3, 2016. As of the date of this declaration, KCC has
17 received five requests for exclusion. A list of the Class Members requesting to be excluded is attached
18 hereto as Exhibit C.

19 11. **Objections to the Settlement.** The deadline for Class Members to object to the
20 Settlement was a postmarked deadline of October 3, 2016. As of the date of this declaration, KCC has
21 received no objections to the settlement.

22 12. **Claim Forms.** The deadline for Class Members to file a claim was a postmarked
23 deadline of November 1, 2016. As of the date of this declaration, KCC has received 55,637 claims.

24 13. **Deficient Claim Forms.** KCC is working with the parties to identify deficient claims.
25 Once these deficient claims have been identified, KCC will mail each potential Class Member a Notice
26 of Deficient Claim Form, which will inform the potential Class Member of why their claim is deficient,
27 and give the potential Class Member 30 days to cure their deficiency.

1 I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true
2 and correct to the best of my knowledge. Executed on this 16th day of November 2016 at San Rafael,
3 California.

A handwritten signature in black ink, appearing to be 'ER' with a stylized flourish extending to the right.

4
5
6 Eric Robin

Exhibit A

**NOTICE OF CLASS ACTION LAWSUIT
AND PROPOSED SETTLEMENT**

THE COURT AUTHORIZED THIS NOTICE.
THIS IS NOT A SOLICITATION
FROM A LAWYER.

YOU MAY RECEIVE MONEY
FROM A SETTLEMENT.

- If you received automated telephone calls from Alorica about marketing of American Express small business charge cards on your cell phone between July 3, 2009 through March 15, 2016, your rights may be affected by this class action settlement.
- Plaintiffs claim that these calls were improper. The court has not decided who is right or wrong. Instead the parties have agreed to settle the case to avoid the risk and cost associated with further litigation.
- Eligible Class Members who submit a valid Claim Form will receive a payment from the \$8,250,000 Settlement Fund.
- Go to www.TelemarketingTCPASettlement.com for more details.

Ossola v. American Express Co.

Telemarketing Settlement

P.O. Box 30236

College Station TX 77842-3236

«Barcode»

Postal Service: Please do not mark barcode

Claim#: AXO-«ClaimID»-«MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

AXO

Carefully separate at perforation

CLAIM FORM

TO RECEIVE BENEFITS FROM THE TELEMARKETING SETTLEMENT,
YOU MUST PROVIDE ALL OF THE INFORMATION BELOW AND YOU MUST COMPLETE THIS AFFIRMATION.

YOUR CLAIM FORM MUST BE POSTMARKED ON OR BEFORE NOVEMBER 1, 2016.

(Claimants with privacy concerns may submit their claim online, or may mail this card in an envelope to the same address)

1. **CLAIMANT INFORMATION:**

FIRST NAME MIDDLE NAME LAST NAME

ADDRESS 1

ADDRESS 2

CITY STATE ZIP (optional)

TELEPHONE NUMBER(S) (where you received call(s)) E-MAIL ADDRESS (optional)

CLASS MEMBER ID (if known)

2. **AFFIRMATION:**

- ☐ By checking this box and submitting this Claim Form, I certify that the information above is true and accurate and that, on or after July 3, 2009 through March 15, 2016, I received a telemarketing call from Alorica, Inc. ("Alorica") on behalf of American Express to my cellular telephone number without my prior consent. This Claim Form may be researched and verified by American Express and/or the Claims Administrator.

Date (mm/dd/yyyy): _____

QUESTIONS? VISIT WWW.TELEMARKETINGTCPASETTLEMENT.COM OR CALL 1-844-824-5799



«ClaimID»

AXOCD1

What is this? This is a notice of a proposed settlement in a class action lawsuit, *Ossola v. American Express Co., et al.*, U.S.D.C., Northern District of Illinois, Case No. 13-cv-4836. This notice explains your legal rights.

What is this lawsuit about? The lawsuit alleges that between July 3, 2009 and March 15, 2016, Alorica Inc. ("Alorica") used an automatic telephone dialing system and/or an artificial or prerecorded voice to place non-emergency telemarketing phone calls to cell phones regarding the marketing of American Express small business charge and/or credit cards to potential customers. The lawsuit claims that these calls violated a law called the Telephone Consumer Protection Act and were made without the prior express consent of the persons called. American Express Company and American Express Centurion Bank (together, "American Express") deny these allegations and any wrongdoing. The Court has not ruled on the merits of Plaintiff's claims or American Express's defenses.

Why am I getting this notice? You were identified as someone who may be a member of the Telemarketing Settlement Class.

What does the settlement provide? American Express has agreed to pay a total of \$8,250,000 into a Settlement Fund. The Settlement Fund will pay cash awards to Class Members who file a valid claim, pay Class Counsel's attorneys' fees and costs of up to \$2,750,000 (subject to Court approval), pay Plaintiff's service award of \$10,000 (subject to Court approval), pay settlement administration costs, and possibly pay a charitable contribution to the Electronic Frontier Foundation in the amount of any uncashed checks.

Can I get money from the settlement? Yes, each Class Member who submits a valid and timely Claim Form will receive a cash award. How much each Class Member receives will depend on how many people make claims that are approved. **Class Counsel estimates that the amount will be at least \$50.**

How do I get a payment? You must complete and submit a valid Claim Form by November 1, 2016. The Claim Form is enclosed and available online at www.TelemarketingTCPASettlement.com. You can also get a Claim Form mailed to you by calling the Settlement Administrator at 1-844-824-5799. You can submit your Claim Form by mailing it to the Settlement Administrator at the address below or online at www.TelemarketingTCPASettlement.com.

Do I have to be included in the settlement? If you don't want to receive money from this settlement and you want to keep the right to sue or continue to sue American Express on your own, then you must exclude yourself from the settlement. You will not get any money from this settlement if you exclude yourself. The Court will exclude any Class Member who properly requests exclusion by sending a letter requesting exclusion to the Settlement Administrator at the address on this postcard by October 3, 2016 at the address below. That request must contain your name, address, signature and a statement that you wish to be excluded from the settlement.

If I don't like something about the settlement, how do I tell the Court? If you don't exclude yourself from the Telemarketing Settlement, you can object to any part of the Telemarketing Settlement. You must mail your written objection to the Court, Class Counsel and American Express's counsel by October 3, 2016. You may enter an appearance through an attorney if you wish, but you do not have to. Complete details about how to object are on the Settlement Website.

What if I do nothing? You will not be eligible for a payment. All Class Members who do not opt-out will be bound by the Telemarketing Settlement and the decisions of the Court, and will release American Express and Alorica from liability for the calls.

When is the Final Approval Hearing? The Court will hold a hearing in this case to consider whether to approve the Telemarketing Settlement on November 30, 2016, at 1:30 p.m., United States District Court, 219 South Dearborn Street, Chicago, Illinois, 60604. You may go to the hearing, but you do not have to.

How do I get more information about the settlement? This notice contains limited information about the Telemarketing Settlement. For more information, to view additional settlement documents, and to review information regarding your exclusion and objection rights and the Final Approval Hearing, visit www.TelemarketingTCPASettlement.com, or call 1-844-824-5799.

AXO



PLACE
STAMP
HERE

OSSOLA V. AMERICAN EXPRESS CO. TELEMARKETING SETTLEMENT
PO BOX 30235
COLLEGE STATION TX 77842-3235



Exhibit B

From: Claims Administrator
To: «First1» «Last1»
Subject: Notice of Class Action Lawsuit

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THE COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.

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Exhibit C

KCC Class Action Services
American Express v Ossola (Telemarketing Settlement)
Exclusion Report

Count
5

ClaimID	Last1	First1